

REC'D FEB 24 2011



**DEPARTMENT OF THE ARMY**  
PITTSBURGH DISTRICT, CORPS OF ENGINEERS  
WILLIAM S. MOORHEAD FEDERAL BUILDING  
1000 LIBERTY AVENUE  
PITTSBURGH, PA 15222-4186

REPLY TO

February 18, 2011

Operations Division  
Regulatory Branch  
**LRP-2010-1536**

Mr. Jerry Alberts  
Antero Resources Appalachian Corporation  
1625 17th Street, Suite 300  
Denver, Colorado 80202

Dear Mr. Alberts:

I refer to a joint site inspection with US EPA conducted on February 9, 2011, by Jon Coleman and Josh Shaffer of this office, regarding the Matthews Drill Pad. This project is located at approximately 39° 18' 46.29"N and -80° 23' 37.77" W, near Clarksburg, Harrison County, West Virginia. Your permit application package, that was received in this office on October 21, 2010, requested approval for an after-the-fact permit for 0.07 acres of wetland filling that occurred due to the construction of the drilling pad. Our site inspection revealed that more wetland acreage, than was initially reported, has been filled in. An estimated 0.14 acres of wetlands have been impacted and an unknown amount of impact to stream H has occurred.

Placement of fill into waters of the United States without a Department of the Army permit is a violation of Sections 301 (33 USC §1311) and 404 (33 USC §1344) of the Clean Water Act. Consider this letter an ORDER to immediately CEASE AND DESIST any and all activities resulting in the placement of fill into the waters of the United States (33 CFR 326.3).

By the request of the U.S. Environmental Protection Agency this ORDER has been referred to their office for follow up enforcement action. Violations of the Clean Water Act provide civil fines of not more than \$25,000 per day for each of violation, criminal fines of up to \$25,000 per day of violation, imprisonment and/or restoration of the area to its pre-project condition. **Please contact Stephanie Chin** at (215) 814-2747, or by e-mail at [chin.stephanie@epa.gov](mailto:chin.stephanie@epa.gov) within 5 days of receipt of this ORDER to determine corrective measures.

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If you have any questions, please contact Jon T. Coleman at (412) 395-7188, or by e-mail at [jon.t.coleman@usacc.army.mil](mailto:jon.t.coleman@usacc.army.mil) or Josh Shaffer at (412) 395-7121, or by e-mail at [joshua.d.shaffer@usace.army.mil](mailto:joshua.d.shaffer@usace.army.mil).

Sincerely,  
// SIGNED//

Scott Hans  
Chief, Regulatory Branch

CERTIFIED MAIL – RETURN RECEIPT REQUESTED.

Copies Furnished:

Stephanie Chin - U.S. Environmental Protection Agency  
Sheirl Fletcher – Fletcher Environmental, Inc.  
Lyle Bennett – WVDEP, Office of Water Resources  
Brad Swiger – WV DEP, Environmental Enforcement  
WV DEP, Office of Oil and Gas  
Roger Anderson – WV DNR  
Public Lands Corporation